

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Penn-Star Insurance Company,

Action No.:
1:17-cv-05047-NGG-ST

Plaintiff and Counterclaim-
Defendant

Affirmation of Brad C.
Westlye in Support of
Penn-Star Ins. Co.'s Motion
for Entry of Judgment

- against -

Maintenance Asset Management Inc.,
Daniel McElhatton and Declan McElhatton,

Date of Service via ECF:
September 25, 2018

Defendants and
Counterclaim-Plaintiffs.

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I, Brad C. Westlye, attest to the following in support of Penn-Star Insurance Company's Motion for Entry of Judgment:

1. I am the attorney of record for Penn-Star Insurance Company ("Penn-Star") in this action.
2. Attached as Exhibit A is a true and correct copy of the Amended Complaint filed by Penn-Star Insurance Company on April 10, 2018 in this action. The Amended Complaint is Document 20 in the docket in the District Court's Electronic Case Filing system for this action.
3. Attached as Exhibit B is a true and correct copy of Maintenance Asset Management Inc.'s, Daniel McElhatton and Declan McElhatton's Answer and Counterclaim to the Amended Complaint filed on April 30, 2018 in this action. The Answer and Counterclaim is Document 24 in the docket in the District Court's Electronic Case Filing system for this action.
4. Attached as Exhibit C is a true and correct copy of Penn-Star Insurance Company's Answer to the Counterclaim filed on May 29, 2018 in this action. The Answer to the Counterclaim is Document 27 in the docket in the District Court's Electronic Case Filing system

for this action.

5. Attached as Exhibit D is a true and correct copy of Maintenance Asset Management Inc.'s, Daniel McElhatton's and Declan McElhatton's Offer of Judgment that was sent to counsel for Penn-Star Insurance Company via Federal Express on August 30, 2018. A copy of the Offer of Judgment is also Document 33-1 in the District Court's Electronic Case Filing system for this action.

6. Attached as Exhibit E is a true and correct copy of Penn-Star Insurance Company's timely Acceptance of defendants' and counterclaim plaintiffs' Offer of Judgment. A copy of the Acceptance of the Offer of Judgment is also Documents 33, 33-1 and 33-2 in the District Court's Electronic Case Filing system for this action.

7. Attached as Exhibit F are true and correct copies of excerpts of Maintenance Asset Management Inc.'s response to Penn-Star Insurance Company's Requests for Admissions, Set 1, No. 30. Penn-Star did not invoice Maintenance Asset Management Inc. for any audit premiums under Commercial Lines Policy No. PAV0083896 that was in effect from May 5, 2016 to May 5, 2017, as the insured did not participate in the premium audit.

I attest to the foregoing under penalty of perjury of the laws of the State of New York, except for those matters stated on information and belief, and as to those matters I believe them to be true. Further, I certify that I am qualified and authorized to file this Affirmation.

September 25, 2018
New York, New York

By: _____


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